

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Docket No. 20-cr-40036-TSH
)	
)	
VINCENT KIEJZO)	

DEFENDANT'S STATUS REPORT

Now comes the defendant Vincent Kiejzo and submits this Status Report in advance of the status conference scheduled for May 28, 2021.

By way of background, the government provided discovery to the defendant on September 10, 2020, November 12, 2020, December 23, 2020, January 14, 2021, and March 17, 2021. On November 12, 2020, the government indicated to the court, in a Joint Memorandum Pursuant to Local Rule 116.5(a), that a forensic analysis of a number of devices was ongoing and would require additional time to complete. A preliminary forensic report was provided in mid-January 2021, along with other discovery materials. At or around that time, undersigned counsel inquired as to the government's willingness to provide additional specific discovery materials related to the investigation in this case, and the government informed counsel that the requested material was related to an ongoing investigation and that no such materials could be provided absent an order of the court.

In a January 14, 2021 joint memorandum filed by the parties, the parties indicated that the defendant would review discovery materials provided by the government and that the defendant intended to request additional materials, seeking a 30-day submission date. (Dkt. 34). On February 16, 2021, the defendant through counsel submitted detailed and specific requests

for discovery items to the government. (See Dkt. 41)¹ In a Joint Memorandum Pursuant to Local Rule 116.5(b) filed on March 3, 2021, the government indicated it would agree to provide some responsive materials by March 12, 2021, and the defendant requested an additional 30 days to file any discovery motions. *Id.* On or about March 17 and 18, 2021, the government provided some responsive materials and answers to the defendant's discovery letter dated February 16, 2021, and declined to provide responses to a number of other requests. Since that time, the parties' discussions regarding discovery requests have been ongoing.

On March 29, 2021, the defendant filed an assented-to motion to continue the filing deadline for discovery motions, and the parties later filed a joint motion to continue the status conference as the discussions and requests for discovery were not ripe for a motion to compel discovery as defense counsel anticipated submitting additional requests for discovery as well as more fulsome justifications for her previous requests. (Dkts. 45, 47). On May 3, 2021, the defendant submitted a supplemental discovery letter on to the government, requesting additional specific and detailed items of discovery and providing additional and more fulsome justifications for the previously-denied requests for specific discovery items. On May 10, 2021, the government informed counsel that it did not yet have answers or responsive materials to the defendant's discovery requests, and that the government believed it reasonable to expect that discovery motions would need to be filed and litigated.

In a Joint Memorandum Pursuant to Local Rule 116.5(b) filed on May 14, 2021, the government indicated that it was still reviewing the defendant's supplemental discovery requests, and the parties indicated that a court ruling would be required to resolve some of the discovery

¹ The Defendant has filed a motion seeking leave of court to file this discovery letter, the government's response to this letter, and defendant's supplemental discovery letter, under seal pursuant to the Protective Order entered at Dkt. 31, for the court's review.

requests. (Dkt. 49). As of today's date, the government has not yet responded to the defendant's supplemental discovery requests, or to the previously-requested items for which the defendant provided additional justifications for his requests. Based on continued conversations with the government, undersigned counsel anticipates filing a motion to compel discovery, but believes that the government's not-yet-received responses are necessary to identify which issues might require the court's attention and intervention.

Respectfully submitted,

VINCENT KIEJZO

By His Attorney,

/s/ Sandra Gant

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CERTIFICATE OF SERVICE

I, Sandra Gant, hereby certify that this document filed through the ECF system will be sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing (NEF) on May 25, 2021.

/s/ Sandra Gant

Sandra Gant